# The Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) (Holidays) Order, 1948

## 1948 No. 2102

*Made* - - - - 14*th September,* 1948
*Coming into Operation* 31*st October,* 1948

L.N.R.(14)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Licensed Non-Residential Establishment Wages Board (hereinafter referred to as " the Board ") the wages regulation proposals set out in the Schedule hereto, being proposals for requiring certain specified workers in relation to whom the Board operates to be allowed holidays by their employers and for fixing holiday remuneration to be paid by their employers to the said workers;

Now, therefore, the Minister by virtue of the powers conferred on him by section 8 of the Catering Wages Act, 1943, and of all other powers in that behalf hereby makes the following Order:— 6 & 7 Geo. 6. c. 24.

**1.**—(1) This Order may be cited as the Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) (Holidays) Order, 1948, and shall come into force on the 31st day of October, 1948. **Short title and commencement.**

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

**2.**—(1) Effect is hereby given to the said wages regulation proposals set out in the Schedule hereto. **Provisions as to holidays and holiday remuneration.**

(2) The provisions of the Schedule hereto shall have effect as from the 31st day of October, 1948.

Signed by order of the Minister of Labour and National Service this 14th day of September, 1948.

*Godfrey H. Ince,*
Secretary of the Ministry of Labour and National Service.

## SCHEDULE

Paragraph 1.

This Schedule applies to the following workers for whom statutory minimum remuneration has been fixed, that is to say, Managers, Manageresses, Relief Managers, Relief Manageresses, the wives of Managers and Relief Managers where such wives are required by the employer to assist in the work of the establishment, Club Stewards, the wives of Club Stewards where such wives are required by the employer to assist in the work of the club and Club Stewardesses, but excluding Club Stewards and Club Stewardesses who ordinarily work for the employer for less than 15 hours a week and the wives of such Club Stewards.

## ANNUAL HOLIDAYS

### ALL WORKERS TO WHOM THIS SCHEDULE APPLIES

Paragraph 2.

An employer shall, between 1st January and 31st December in each year allow an annual holiday to a worker to whom this Schedule applies. The dates between which the annual holiday is to be allowed shall be agreed between the employer and the worker, or if no agreement is reached, it shall be allowed so as to terminate not later than 31st December.

Paragraph 3.

The duration of the annual holiday shall be determined by reference to the worker's period of employment during the twelve months immediately preceding the date on which the holiday begins, in the following manner:—

| *Period of employment* | *Duration of holiday* |
|---|---|
| At least 1 calendar month ... ... ... ... | 1 day |
| ,, ,, 2 ,, months ... ... ... ... | 2 days |
| ,, ,, 3 ,, ,, ... ... ... ... | 3 days |
| ,, ,, 4 ,, ,, ... ... ... ... | 4 days |
| ,, ,, 5 ,, ,, ... ... ... ... | 5 days |
| ,, ,, 6 ,, ,, ... ... ... ... | 6 days |
| ,, ,, 7 ,, ,, ... ... ... ... | 12 days |

Provided that

(*a*) the number of days of annual holiday to which a worker is entitled in any year shall not exceed twice the number constituting the worker's normal working week;

(*b*) where an annual holiday is allowed to a worker in two or more separate periods in accordance with the provisions of paragraph 4 below, the period of 12 months immediately preceding the worker's annual holiday referred to in this paragraph shall be the period of 12 months immediately preceding the first holiday period;

(*c*) the number of days of annual holiday allowed to a worker during the year 1948 under the provisions of this Schedule shall be reduced by the number of any days of paid annual holiday taken by the worker during 1948 prior to the date on which this Schedule becomes effective.

For the purpose of this paragraph, a worker shall be treated as having been employed for a calendar month in any calendar month in which he has qualified for payment of remuneration fixed by a wages regulation order or would have so qualified if a wages regulation order had been in force.

Paragraph 4.

Annual holidays shall be allowed on consecutive working days, being days upon which the worker is normally called upon to work, and days of holiday shall be treated as consecutive notwithstanding the intervention of a day of public holiday or a day of holiday in lieu of a day of public holiday. Provided that where a worker is entitled to more days of annual holiday than the number of days constituting his normal working week, his annual holiday may be allowed in two or more separate periods of which one shall consist of at least the number of days constituting his normal working week.

## HOLIDAY REMUNERATION

### MANAGERS, MANAGERESSES, RELIEF MANAGERS, RELIEF MANAGERESSES AND THE WIVES OF MANAGERS AND RELIEF MANAGERS WHERE SUCH WIVES ARE REQUIRED BY THE EMPLOYER TO ASSIST IN THE WORK OF THE ESTABLISHMENT

Paragraph 5.

Holiday remuneration for annual holidays for managers, manageresses, relief managers, relief manageresses and the wives of managers or relief managers where such wives are required by the employer to assist in the work of the establishment shall be paid on the last pay day preceding the holiday as follows:—

(1) Where a worker to whom this paragraph applies is not provided by the employer, for the duration of the holiday, with full board—

For each day of holiday allowed in accordance with the provisions of paragraph 3 above, not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled at the date of the holiday for a week's work if he were not provided by the employer with full board.

(2) Where a worker to whom this paragraph applies is provided by the employer, for the duration of the holiday, with full board—

For each day of holiday allowed in accordance with the provisions of paragraph 3 above, not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled at the date of the holiday for a week's work if he were provided by the employer with full board.

Provided that where under the provisions of paragraph 4 above an annual holiday is taken in more than one period, the holiday remuneration shall be apportioned accordingly.

Paragraph 6.

If a worker to whom paragraph 5 above applies ceases to be employed by an employer, the employer shall immediately on the termination of his employment pay to the worker any holiday remuneration which has accrued to that worker in accordance with the provisions of paragraph 7 below.

Paragraph 7.

Subject to the provisions of this paragraph, holiday remuneration shall accrue to a worker to whom paragraph 5 above applies during such period of his employment with the employer in the 12 months immediately preceding the termination of his employment as has not already been counted as employment for the purpose of any day or days of annual holiday as follows:—

(1) where the said period of the worker's employment with the employer is less than 7 months:

For each calendar month's employment—
not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled at the date of termination of employment for a week's work if he were not provided by the employer with full board.

(2) where the said period of the worker's employment with the employer is 7 calendar months or more—

not less than twice the statutory minimum remuneration to which the worker would be entitled at the date of termination of employment for a week's work if he were not provided by the employer with full board.

For the purpose of this paragraph, a worker shall be treated as having been employed for a calendar month in any calendar month in which he has qualified for payment of remuneration fixed by a wages regulation order or would have so qualified if a wages regulation order had been in force.

Provided that—

(*a*) No worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on either of the following grounds, that is to say,

(i) dishonesty, or

(ii) misconduct involving contravention of the licensing laws,

and is so informed by the employer at the time of dismissal.

(*b*) The amount of any accrued holiday remuneration payable on the termination of the worker's employment shall be reduced by the amount of any previous payment of accrued holiday remuneration made by the employer to the worker in so far as it is attributable to the period for which the accrued holiday remuneration is payable.

Paragraph 8.

Where any accrued holiday remuneration has been paid by the employer to a worker to whom paragraph 5 above applies prior to the allowance of an annual holiday in accordance with the provisions of this Schedule, the amount of holiday remuneration payable by the employer in respect of the said annual holiday under the provisions of paragraph 5 above shall be reduced by the amount of any previous payment of accrued holiday remuneration in so far as it is attributable to any part of the period of employment in respect of which the said holiday has been allowed.

## CLUB STEWARDS, CLUB STEWARDESSES AND THE WIVES OF CLUB STEWARDS WHERE SUCH WIVES ARE REQUIRED BY THE EMPLOYER TO ASSIST IN THE WORK OF THE CLUB

Paragraph 9.

Holiday remuneration for annual holidays for Club Stewards, Club Stewardesses and the wives of Club Stewards where such wives are required by the employer to assist in the work of the club shall be paid on the last pay day preceding the holiday as follows:—

(1) Where a worker to whom this paragraph applies is not provided by the employer, for the duration of the holiday, with full board—

For each day of holiday allowed in accordance with the provisions of paragraph 3 above, not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled at the date of the holiday for a week's work if he worked his normal weekly hours of work and if he were not provided by the employer with full board.

(2) Where a worker to whom this paragraph applies is provided by the employer, for the duration of the holiday, with full board—

For each day of holiday allowed in accordance with the provisions of paragraph 3 above, not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled at the date of the holiday for a week's work if he worked his normal weekly hours of work and if he were provided by the employer with full board.

Provided that where under the provisions of paragraph 4 above an annual holiday is taken in more than one period, the holiday remuneration shall be apportioned accordingly.

Paragraph 10.

If a worker to whom paragraph 9 applies ceases to be employed by an employer, the employer shall immediately on the termination of his employment pay to the worker any holiday remuneration which has accrued to that worker in accordance with the provisions of paragraph 11 below.

Paragraph 11.

Subject to the provisions of this paragraph, holiday remuneration shall accrue to a worker to whom paragraph 9 applies during such period of his employment with the employer in the 12 months immediately preceding the termination of his employment as has not already been counted as employment for the purpose of any day or days of annual holiday as follows:—

(1) where the said period of the worker's employment with the employer is less than seven months:

For each calendar month's employment—

not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled at the date of termination of employment for a week's work if he worked his normal weekly hours of work and if he were not provided by the employer with full board.

(2) where the said period of the worker's employment with the employer is seven calendar months or more—

not less than twice the statutory minimum remuneration to which the worker would be entitled at the date of termination of employment for a week's work if he worked his normal weekly hours of work and if he were not provided by the employer with full board.

For the purpose of this paragraph, a worker shall be treated as having been employed for a calendar month in any calendar month in which he has qualified for payment of remuneration fixed by a wages regulation order or would have so qualified if a wages regulation order had been in force.

Provided that—

(*a*) No worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on either of the following grounds, that is to say,

(i) dishonesty, or

(ii) misconduct involving contravention of the licensing laws

and is so informed by the employer at the time of dismissal.

(*b*) The amount of any accrued holiday remuneration payable on the termination of the worker's employment shall be reduced by the amount of any previous payment of accrued holiday remuneration made by the employer to the worker in so far as it is attributable to the period for which the accrued holiday remuneration is payable.

Paragraph 12.

Where any accrued holiday remuneration has been paid by the employer to a worker to whom paragraph 9 applies prior to the allowance of an annual holiday in accordance with the provisions of this Schedule, the amount of holiday remuneration payable by the employer in respect of the said annual holiday under the provisions of paragraph 9 of this Schedule shall be reduced by the amount of any previous payment of accrued holiday remuneration in so far as it is attributable to any part of the period of employment in respect of which the said holiday has been allowed.

## GENERAL

Paragraph 13.

In this Schedule the following expressions have the meanings hereby assigned to them:—

" DAY OF PUBLIC HOLIDAY " means—

(*a*) in England and Wales—Christmas Day (or if Christmas Day falls on a Sunday, such week-day as may be prescribed by national proclamation or if no such day is prescribed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day proclaimed as an additional Bank Holiday or a general holiday;

(*b*) in Scotland—

(i) New Year's Day (or the following day if New Year's Day falls on Sunday), the local Spring holiday, the local Autumn holiday and any day proclaimed as an additional Bank Holiday or a general holiday; and

(ii) any other week-days in the course of a calendar year locally recognised as days of public holidays, not exceeding three in any one year.

" ESTABLISHMENT " means a licensed non-residential establishment.

" FULL BOARD " means not less than three meals per day of good and sufficient quality and quantity one of which shall be dinner.

" LICENSED NON-RESIDENTIAL ESTABLISHMENT " means—

(1) a public house, inn, hotel or other premises, being an establishment

(*a*) at which it is lawful for intoxicating liquor to be sold for consumption on the premises or to be supplied for consumption on the premises by reason of the fact that part of the premises is habitually used for the purposes of a registered club; and

(*b*) which is not a residential establishment within the meaning of this Schedule;

(2) a club—

(*a*) at which it is lawful for intoxicating liquor to be supplied for consumption on the premises; and

(*b*) which is not a residential establishment within the meaning of this Schedule,

but does not include—

(i) any such establishment or club as aforesaid if the main activity there carried on consists of the supply of food or drink for immediate consumption at one or more of the following places, that is to say, a restaurant, dining-room, cafe or similar place;

(ii) any hostel or similar establishment provided by or by arrangement with an employer wholly or mainly for the purposes of accommodating persons employed by him.

" NORMAL WEEKLY HOURS OF WORK " means the number of hours which have been most frequently worked by the worker in a week

in the employment of the employer in the twelve months immediately preceding the commencement of the holiday or where under paragraphs 6 and 10 of this Schedule accrued holiday remuneration is payable on the termination of the employment, in the twelve months immediately preceding the date of the termination of the employment.

" NORMAL WORKING WEEK " means the number of days on which the worker has most frequently worked in a week in the employment of the employer in the twelve months immediately preceding the commencement of the holiday, or where under paragraphs 6 and 10 of this Schedule accrued holiday remuneration is payable on the termination of the employment, in the twelve months immediately preceding the date of the termination of the employment.

" RESIDENTIAL ESTABLISHMENT " means an establishment which either contains four or more rooms ordinarily available as sleeping accommodation for guests or lodgers or if it contains less than four such rooms which contains sleeping accommodation ordinarily available for not less than eight guests or lodgers.

" STATUTORY MINIMUM REMUNERATION " means minimum remuneration (other than holiday remuneration) which has been fixed by a Wages Regulation Order.

" WAGES REGULATION ORDER " means an Order made by the Minister pursuant to proposals submitted to him by the Board for fixing the remuneration to be paid by their employers to the workers specified in paragraph 1 of this Schedule.

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" CLUB STEWARD " or " CLUB STEWARDESS " means a worker aged 21 years or over who is responsible for the stock and management of the bar or bars in a Club to which this Schedule applies.

" MANAGER " or " MANAGERESS " means the person responsible to the employer for the cleanliness, care and supervision of the premises and equipment of an establishment other than a club, for the keeping of records and for the correct handling of the cash and stocks, for the control of the staff where any are employed and for the conduct of the establishment as required by the law.

" RELIEF MANAGER " or " RELIEF MANAGERESS " means a worker who is appointed by the employer to take charge of an establishment other than a club in the absence of the Manager or the Manageress and who is not in receipt of minimum remuneration under a wages regulation order other than the remuneration provided for a Relief Manager or a Relief Manageress.

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## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The Schedule to this Order, which has effect from the 31st October, 1948, fixes the annual holidays which an employer is required to allow

and the holiday remuneration which he is required to pay to the following workers in relation to whom the Licensed Non-Residential Establishment Wages Board operates:—

(*a*) Managers, Manageresses, Relief Managers, Relief Manageresses and the wives of Managers and Relief Managers where such wives are required by the employer to assist in the work of the establishment;

(*b*) Club Stewards and Club Stewardesses who ordinarily work for not less than 15 hours a week and the wives of such Club Stewards where they are required by the employer to assist in the work of the club.

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## 3. LICENSED RESIDENTIAL ESTABLISHMENT AND LICENSED RESTAURANT

# The Wages Regulation (Licensed Residential Establishment and Licensed Restaurant) Order, 1948

## 1948 No. 19

*Made - - - - 14th January,* 1948

L.R. (3)

Whereas the Minister of Labour and National Service (hereinafter referred to as "the Minister") has received from the Licensed Residential Establishment and Licensed Restaurant Wages Board (hereinafter referred to as "the Board") the wages regulation proposals set out in the First and Second Schedules hereto;

Now therefore the Minister by virtue of the powers conferred on him by section 8 of the Catering Wages Act, 1943 and of all other powers in that behalf hereby makes the following Order:—

6 & 7 Geo. 6. c. 24.

Short title, commencement and interpretation.

**1.**—(1) This Order may be cited as the Wages Regulation (Licensed Residential Establishment and Licensed Restaurant) Order, 1948 and shall come into force on the 1st day of March, 1948.

52 & 53 Vict. c. 63.

(2) The Interpretation Act, 1889 applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Fixing of statutory remuneration and provisions as to holidays and holiday remuneration.

**2.**—(1) Effect is hereby given to the said wages regulation proposals set out in the First and Second Schedules hereto.

(2) The provisions of the said Schedules shall have effect as from the 1st day of March, 1948.

Signed by order of the Minister of Labour and National Service this 14th day of January, 1948.

*Godfrey H. Ince,*
Secretary of the
Ministry of Labour and National Service.